

1 UNITED STATES DISTRICT COURT
23 DISTRICT OF NEVADA
4

5 DONAVAN WATKINS,

Case No. 3:21-cv-00447-RCJ-WGC

6 v.
7

Plaintiff,

TRANSFER ORDER

8 KAYHILL, et al.,
9

Defendants.

10 Plaintiff, a *pro se* prisoner who is incarcerated at Northern Nevada Correctional
 11 Center, has submitted an application to proceed *in forma pauperis* and a civil rights
 12 complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) Plaintiff sues the state of
 13 Oregon, the Oregon Department of Corrections, and various individual defendants for
 14 events that took place while Plaintiff was incarcerated in Oregon. (ECF No. 1-1 at 3-6.)
 15 Plaintiff states that two of the individual Defendants reside at the Santiam Correctional
 16 Institution, which is in Salem Oregon, and the third resides at the Oregon Department of
 Corrections Health Services, which is also in Salem Oregon. (*Id.* at 2.)

17 Pursuant to 28 U.S.C. § 1391(b), a plaintiff may bring an action in:

18 (1) a judicial district in which any defendant resides, if all defendants are
 19 residents of the State in which the district is located; (2) a judicial district in
 20 which a substantial part of the events or omissions giving rise to the claim
 21 occurred, or a substantial part of property that is the subject of the action is
 22 situated; or (3) if there is no district in which an action may otherwise be
 23 brought as provided in this section, any judicial district in which any
 24 defendant is subject to the court's personal jurisdiction with respect to such
 25 action.

26 28 U.S.C. § 1391(b)(1)-(3). Pursuant to 28 U.S.C. § 1406, if a case has been filed in the
 27 wrong district or division, the district court in which the case has been incorrectly filed may
 28 "transfer such case to any district or division in which it could have been brought." 28
 U.S.C. § 1406(a).

27 The Court finds that the District of Nevada is not the appropriate venue for this
 28 action because the events occurred in Salem Oregon and the Defendants reside in

1 Oregon. Salem Oregon is in the Eugene Division of the District of Oregon. The Court
2 directs the Clerk of the Court to transfer this action to the United States District Court for
3 Oregon, Eugene Division. This Court offers no opinion on the merits of this action or on
4 the application to proceed *in forma pauperis*.

5 For the foregoing reasons, it is ordered that the Clerk of the Court will transfer this
6 case to the United States District Court for Oregon, Eugene Division.

7 It is further ordered that the Clerk of the Court close the case in this Court.

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9 DATED THIS 22nd day of November 2021.

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United States District Court
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